

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

Zdzislaw B. Malinowski, et al.

Serial No.: 10/635,092

Filed: August 6, 2003

For: CRANIAL BURR HOLE PLUG  
AND INSERTION TOOL

)  
) Confirmation No.: 6987

)  
) Group Art Unit: 3734

)  
) Examiner: Kevin Thao Truong

**RESPONSE**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This letter is in response to the Office Action, dated July 26, 2007. Claims 1-18 remain pending in this application. No claims have been amended.

Claim Rejections-35 U.S.C. §102

Claims 1-18 stand rejected under 35 U.S.C. §102, as being anticipated by U.S. Patent No. 6,482,182 ("Carroll"). Applicant respectfully traverses this rejection, since Carroll does not disclose each and every element required by these claims.

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**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below via the USPTO EFS-Web filing system.

10/26/07  
Date of Deposit

Jocelyn L. Lee  
Jocelyn L. Lee

Even if the introducer mechanism disclosed in Carroll can be considered as part of the claimed burr hole plug, the claims would still not read on the components of the introducer mechanism. In particular, the Examiner has characterized the arc-shaped sidewalls 426 as the claimed collet, and the introducer retraction knob 312 as the claimed clamp.

While Applicant does not acquiesce that the arc-shaped sidewalls 426 can be considered a collet, and the introducer retraction knob 312 can be considered a clamp, to the extent that they can be so considered, the retraction knob 312 does not interlock with the shell 20 and does not compress the arc-shaped sidewalls 426, as required by claim 1. Instead, the introducer retraction knob 312 is simply threaded over the arc-shaped sidewalls 426 to move the retractable introducer 402 up and down (see col. 7, lines 3-16). Notably, the three locking channels 420 between the arc-shaped sidewalls 426 receive the threaded members 412 of the retractable introducer 402 (see col. 6, line 66 to col. 7, line 3).

In addition, being that the arc-shaped sidewalls 426 and the introducer retraction knob 312 are part of an introducer assembly, the cover 70 is not designed to cover these components, and in fact, is only disclosed as being capable of covering the shell 20 (see col. 7, line 54 to col. 8, line 11).

Thus, Applicant submits that independent claim 1, as well as the claims depending therefrom (claims 2-18), are not anticipated by Carroll.

#### Conclusion


Based on the foregoing, it is believed that all claims are now allowable and a Notice of Allowance is respectfully requested. If the Examiner has any questions or comments

regarding this amendment, the Examiner is respectfully requested to contact the undersigned at (949) 724-1849.

Respectfully submitted,

**VISTA IP LAW GROUP LLP**

Dated: October 26, 2007

By:   
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